

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

ZAZA PACHULIA and TINATIN  
ALAVIDZE,

Plaintiffs,  
v.

RANDY USOW ACCOUNTING, INC.  
and RANDY USOW,

Defendants,  
and

CAROLINA CASUALTY  
INSURANCE COMPANY,

Intervenor Defendant.

Case No. 16-CV-1531-JPS

**ORDER**

On July 17, 2017, Plaintiffs filed an expedited motion for leave to amend their complaint. (Docket #33).<sup>1</sup> Federal Rule of Civil Procedure 15 dictates that leave to amend a pleading should be freely given “when justice so requires.” *See Fed. R. Civ. P. 15(a)(2)*. Reasons for denying leave to amend can include undue delay, bad faith or dilatory motive on the part of the movant, undue prejudice to the opposing party, and futility. *Airborne Beepers & Video, Inc. v. AT&T Mobility LLC*, 499 F.3d 663, 666 (7th Cir. 2007). Plaintiffs propose to re-name R. Usow Accounting, LLC as a defendant, and add allegations of tax preparation improprieties in 2012. (Docket #33). The parties dispute who is responsible for the delay in correcting these

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<sup>1</sup>Plaintiffs filed a motion to seal certain exhibits attached to their motion for leave to amend. (Docket #34). The exhibits are confidential portions of Defendants' document production. *Id.* The Court will grant the motion to seal.

omissions in the pleadings. *Id.*; (Docket #40). While each side may be at fault for the present state of affairs, justice does not require amendment for a different reason. The dispositive motion deadline in this matter passed on July 20, 2017, and the trial is set for November 27, 2017. (Docket #15). Permitting amendment at this stage would require adjournment of those dates, something that the Court informed the parties was not a possibility at the scheduling conference of January 26, 2017. *See* (Docket #14). Because Plaintiffs' proposed amendment would prejudice the Court's schedule and delay justice, their motion for leave to amend must be denied.

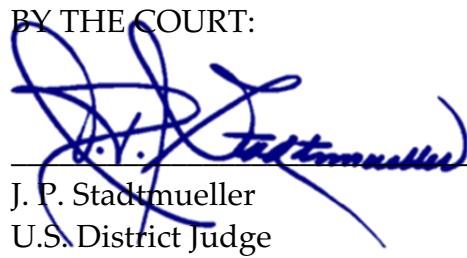
Accordingly,

**IT IS ORDERED** that Plaintiffs' motion for leave to file their second amended complaint (Docket #33) be and the same is hereby **DENIED**; and

**IT IS FURTHER ORDERED** that Plaintiffs' motion to seal (Docket #34) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 26th day of July, 2017.

BY THE COURT:



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J. P. Stadtmauer  
U.S. District Judge